

City Council Meeting Minutes

**December 5, 2017
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Heather Balser, Interim City Manager
Kevin Watson, Finance Director
Kurt Kowar, Director of Public Works
Rob Zuccaro, Director of Planning & Building Safety
Lisa Ritchie, Associate Planner
Beth Barrett, Director of Library & Museum Services
Bridget Bacon, Museum Coordinator
Joe Stevens, Director of Parks and Recreation
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Leh. All were in favor.

OATH OF OFFICE – JEFF LIPTON

Clerk Muth gave Jeff Lipton the oath of office.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Leh. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: November 21, 2017***
- C. *Approval of Contracts Between the City of Louisville and Colorado Mechanical Systems, Inc. and Glacier Construction Co., Inc. for the Construction of the Howard Berry Water Treatment Plan Upgrade Project***
- D. *Approval of a First Amendment to an Intergovernmental Agreement Between Lafayette, Estes Park, and Louisville for Lucity Asset Management Software Licensing Costs***
- E. *Approval of Resolution No. 69, Series 2017 – A Resolution Levying General Property Taxes for the Year 2017, to Help Defray the Costs of Government for the City of Louisville, Colorado for the 2018 Budget Year***
- F. *Approval of the Third Amendment to the Contract By and Between the City of Louisville and W.L. Contractors, Inc. for Traffic Signal Maintenance***
- G. *Approval of City Council Committee Assignments***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle stated Council spent the day interviewing the candidates for City Manager and there would be interviews open to the public tomorrow.

CITY MANAGER'S REPORT

Interim City Manager Balser asked Parks and Recreation Director Joe Stevens to give a brief update on the recreation center expansion project. Director Stevens stated work is going on and they have mobilized the work on the caissons at the Rec Center. A lot of structural fill has been moved to the site, temporary offices established, and egress and entrances have been modified. The staff is making adaptations on a daily basis. The design team is working on contract amendment #3 for Council consideration on December 19 and waiting for news from DOLA on the MAC gym grant. He thanked the customers of the recreation center for their patience during inconveniences.

REGULAR BUSINESS

ELECTION OF MAYOR PRO TEM

Mayor Muckle opened the floor for nominations. Councilmember Loo nominated Councilmember Lipton; Councilmember Maloney seconded. There were no other nominations. Mayor Muckle moved to appoint Councilmember Lipton as Mayor Pro Tem. All in favor.

Mayor Pro Tem Lipton thanked his fellow members and stated he looks forward to working with the Council. He noted this council can disagree on matters but comes together at the end of discussions. Council works well together and should be proud of the great team of staff and council.

640 MAIN STREET BLUE PARROT SIGN LANDMARK AND PRESERVATION GRANT

RESOLUTION NO. 65, SERIES 2017 – A RESOLUTION DESIGNATING A SIGN AT 640 MAIN STREET A HISTORIC LANDMARK

RESOLUTION NO. 66, SERIES 2017 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR THE BLUE PARROT SIGN LOCATED AT 640 MAIN STREET

Mayor Muckle noted the applicant requested to withdraw the original application to work on alternatives and repackaging the proposal. City Attorney Light stated the need for a motion to approve the written request by the applicant to withdraw the applications under Resolutions 65 and 66.

Councilmember Loo left the meeting at 7:09 pm.

Councilmember Leh moved to approve the applicant's request to withdraw the items under Resolutions No. 65 and 66, Series 2017; Councilmember Maloney seconded. All in favor.

DISCUSSION/DIRECTION/ACTION – HISTORICAL MUSEUM/VISITORS CENTER CONCEPTUAL PLAN

Library and Museum Services Director Barrett stated staff from the Roybal Corporation were here to present conceptual designs for the museum visitor's center and new historical museum building to be built on the campus of the current museum. There are two designs for Council consideration based on the comments made when Council saw this in July. Roybal worked with members of the Historical Commission, Historic

Preservation Commission, Cultural Council, and the History Foundation, as well as a working group with members of the public, Councilmember Keany, city staff and the Chamber of Commerce. The goal was to meet the space needs of the museum and provide a building maintaining the look and feel of downtown. Two public meetings were held. The firm tried to incorporate suggested changes from the public as well as Council. Many preferred the design that included the north entrance. Cost estimates are preliminary and will change as the project progresses. Director Barrett asked for direction on the proposed conceptual plan.

Mike Roybal, Design Principal with Roybal Corporation, reviewed the process to engage the community and incorporate many views and perspectives. The design team took as many visual cues as they could from Louisville architecture, drew upon a number of architectural elements to have a design cohesive to past and current Main Street, including horizontal lap siding, strong cornice and western front façade. They created a program to address the needs of the community and the museum; and integrate the building with the museum master plan. They wanted to provide enough space for storage for current and future needs. They tried to assess the needs and uses of the building for each floor and the entire campus.

Mr. Roybal reviewed the preferred proposed building plan. They had to make up 21 inches to make the floor contiguous with the Jacoe Store. This allowed for a north entry that would not need a ramp or stairs to access the building. The plan has room for a community table, classroom space, mini theater, ADA accessible restroom and elevator. This plan allows an individual staff member to have visual access of the whole floor and a contiguous facility.

He reviewed the second proposed building plan. It includes an ADA ramp and elevator that uses a lot of the space for circulation.

After community discussions the design team changed the architecture to have a more sensitive architectural vernacular; and created a western false façade and different windows to be sensitive to the historic character. The new features work with the architecture.

Roybal stated the basic cost is estimated to be about \$4.5M.

Councilmember Maloney noted that adding the alternatives it could be about \$6M.

Public Comments

Nancy Allen, 948 St. Andrews Lane, member of the Historical Commission and the working group stated she is excited about this because of the strong overall concept that creates a community space focused on the outcomes in the prior planning documents, draws people, and educates visitors. It is a great combination of modern functionality and informed reference to Main Street architecture and history. She felt the

interior spaces do a great job of supporting operating goals of the museum. The future of Louisville history is really bright.

Gordon Madonna thanked Roybal for their work. He felt the design was almost there, but there was still a need to tweak it to fit in downtown Louisville. He favored putting in extra storage space under the Jacoe Store. He would like a more inviting courtyard.

Jean Morgan, 1131 Spruce Street, would like consideration of two design changes. She would like the awning that comes out 5 feet and has the signage, reduced to a foot or less. She would like the second story windows reduced and made more historic in size. She supports extra storage space in the plaza or under the Jacoe store.

Dan Mellish, 590 West Willow Court, commended Roybal on the project and taking so much feedback and working it into their design. He was encouraged to hear more about possible storage capabilities.

Andy Johnson, 920 Lincoln Avenue, stated this is the first time seeing the design and gave kudos to the design team. It is an exciting project for downtown; a sensitive approach to Main Street, he likes the windows, the building has a very outward looking approach to Main Street. He encouraged thinking about a more contemporary building to mark our time rather than re-create canned history.

Councilmember Keany noted the committee took into consideration public comments. He also supported the additional storage space for future items.

Mayor Pro Tem Lipton asked Roybal if the elevator in the Main Street entrance design would be needed to get disabled people out in an emergency. Roybal noted the entrance on the north allows access without the need of stairs or elevators or ramps in an emergency, but that the Main Street entrance would require a disabled person be carried out in an emergency.

Mayor Pro Tem Lipton asked if the cost estimate was based on current costs. Roybal stated this is an estimate for about one year from now and it has a yearly escalation factor. Mayor Pro Tem Lipton stated construction costs are constantly increasing and we need to be cognizant of this. He also stated a 15% contingency may not be adequate; perhaps 30-40% is needed. Given that, it could be as high as \$7M in costs.

Councilmember Maloney stated his concerns are similar to Mayor Pro Tem Lipton and we should be looking at costs 2-5 years out. He was concerned how to fund this and felt suggested putting this on the ballot to ask residents to fund. He doesn't see how this much can be fundraised.

Councilmember Stolzmann said she was still hearing some concerns from residents. About the façade and wanting an east facing entrance. She felt the handicap access could be addressed by grading and didn't feel the alternate presented meets the

Committee needs/wants. She doesn't think these are two viable choices. The interior programming is good and should include the storage. There is a need to decide on how to fund this. If it is by ballot measure, she questioned if this design would garner enough community support.

Councilmember Leh thanked the community for their input on this project. He noted the museum may not rise to the top of the community needs, but it is critical we find a way to move this project forward. Councilmember Leh liked the options shown tonight. Many wanted an entrance on Main Street, but it seems clear that is not going to work. It is important to address the storage needs and would be shortsighted not to. Not sure how to address funding for this, maybe it is something to go to the voters for; recognizing tax payers just approved a tax to help the museum. He liked the entrance on the side.

Mayor Muckle liked the false front and materials changes and was comfortable with the design and felt the plaza off Main Street is valuable. He was prepared to move the design forward and discussion of the funding will have to happen soon, including polling. He supported reducing the size of awning if possible.

MOTION: Councilmember Keany moved to approve the final conceptual plan based on the north access design and including the expanded basement storage area. Councilmember Leh seconded.

Mayor Pro Tem Lipton asked if this includes endorsing cost estimates or this is just design. Councilmember Keany stated this is just design to allow the History Foundation to begin a fund raising campaign. We don't need to accept the cost estimates now.

Mayor Pro Tem Lipton stated this should be about architecture, not cost estimating at this time.

Councilmember Keany agreed. This is a design endorsement to start the capital campaign.

Councilmember Leh liked that approach; wondered if not accepting costs will hamper ability to raise money.

Interim City Manager Balser stated costs can be amended and contingency upped if needed. We can start working on 30% design and get more specific numbers if Council wants to give that direction.

Councilmember Stolzmann would like polling on this design as the next step. She would rather get more community feedback before putting this on the ballot. If people don't support it, maybe change the design. She had heard a lot of excitement about programming but not the façade design.

Mayor Pro Tem Lipton stated the original goal was for the city to give seed money for design and the building would be paid for by fund raising. He stated he didn't think the conversation was ever to have the City fund this. The fund raising target needs to be realistic and the Foundation needs to raise those funds.

Councilmember Maloney stated this should not be funded by General Fund but possibly by a tax.

Vote: 5-1 Councilmember Stolzmann voting no. Councilmember Loo absent.

**RESOLUTION NO. 70, SERIES 2017 – A RESOLUTION APPROVING A FINAL
PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A 2,117
SQUARE FOOT TWO-STORY ADDITION AT THE REAR OF THE BUILDING AT 808
MAIN STREET**

Planner Ritchie stated an addition is proposed at the rear of the existing building. No changes are proposed to the front approximate 100 feet. There are two existing parking spaces, and the PUD keeps two parking spaces in a similar and logical location. No additional parking is required by this proposal. A new trash enclosure is being proposed to be constructed at the rear of the property, where trash receptacles are currently unscreened. The visibility of this addition is greatly minimized from Main Street as it is at the rear of the building.

Staff finds the application complies with the requirements of the Design Handbook for Downtown Louisville. Staff recommends approval of Resolution 70, Series 2017 for a final Planned Unit Development to allow the construction of a two-story rear addition at 808 Main Street.

Andy Johnson, DAJ Design representing the owner, stated this is a fairly simple, small addition to the building. The owners want to use this expansion for the commercial kitchen. From Main Street the addition is well back from the street and is 25.5 feet tall. It is about 7 feet shorter than the neighboring library building so isn't an overwhelming addition. There is a taller mechanical screen designed to give some flexibility to hide roof units; this may be shorter than proposed and will be further back on the roof.

Councilmember Maloney asked if the current parking would be in the same place as the proposed. Planner Ritchie stated they would be pushed back toward the alley a bit.

Public Comments: None.

Mayor Muckle stated he is happy the owner wants to reinvest in the property in a way that doesn't impact the historic structure.

Councilmember Keany moved to approve Resolution No. 70, Series 2017.
Councilmember Leh seconded.

Councilmember Stolzmann stated she finds the proposal meets all the PUD criteria.

Voice vote: All in favor 6-0. Councilmember Loo absent.

**RESOLUTION NO. 71, SERIES 2017 – A RESOLUTION APPROVING THE CITY
COUNCIL RULES OF PROCEDURE**

Councilmember Leh, chair of the Legal Review Committee, stated this item was tasked to the Committee. It is designed to bring uniformity to Council meetings consistent with the charter and ordinances.

The Committee wanted to balance several factors. He read the underlying purpose as noted in the preamble:

A bedrock principle of a representative democracy is notice of impending governmental action and an opportunity for members of the public and their representatives to be heard. Principles of good government include deep respect for citizens; prudent stewardship of public resources, including the time of its citizens, staff members and elected officials; direction that is clear and decisive; and decision making that is reasonably consistent, equitable, flexible, and transparent.

Through the application of these Rules, Council intends to ensure that it balances the principles described in the previous section in a way that ensures robust debate and accountability of City government to its residents. To that end, these procedures are not meant to be employed for the purpose of unreasonable rigidity, surprise, suppression of competing views, or needless prolonging of action.

Councilmember Leh described the process used to draft the rules. There was an initial draft with many revisions by the Committee in several meetings. It was then reviewed by Attorney Light for consistency with Charter and structure.

Councilmember Leh reviewed the structure of the document. Noting it is always good to have the aspirations of meeting civility and provide the chair a certain amount of discretion to maintain the decorum of the meeting.

Councilmember Leh highlighted section VI.E public comments. The committee had a robust discussion regarding the three-minute time limit and how to consistently enforce it to be equitable. He asked if Council was interested in allowing the aggregating of time if wanted by residents to allow one person to take additional time. This draft proposes a group may designate a spokesperson up to a maximum of 6 minutes. They must be present to give up their time and designate a spokesperson. On second round of comments, speakers get two minutes.

Councilmember Leh highlighted section VII 3 & 4; if a member of council is absent from a quasi-judicial hearing and how can they participate in voting if they missed the earlier meeting. This draft allows it and is consistent with the law.

Mayor Muckle asked Attorney Light if this proposed draft meets all of the City rules. Attorney Light stated a number of sections are already in the code or charter, but this is a convenient place for a person to understand how a meeting works. It reiterates language from the Charter. It also added language about the cancellation of meetings; clarifies public hearing at second reading, and how to call for public comment at first reading if desired. This allows participation in quasi-judicial hearings as long as the Council member reviewed the recording of previous meetings and the official record. Everyone is bound to the due process rules. It is consistent with the Charter.

Councilmember Leh noted the small fiscal note to purchase a timer.

Councilmember Stolzmann stated she would like some discussion of the consent agenda adding "in case a majority of members vote no, then all items are placed on the regular agenda and considered individually." Mayor Muckle agreed.

Councilmember Stolzmann thought if pooling of time is allowed, it should be a more substantial amount, 10 minutes minimum. For second round of comments she would leave it at 3 minutes. Mayor Muckle agreed.

Mayor Pro Tem Lipton stated the Legal Committee looked at a wide range of options. Pooling allows doubling the time and he felt it should be tried and can make adjustments if needed. Other communities don't allow up to 10 minutes. He would like to retain the proposed language. Second round of comments intended to allow for new information not reiterate information but he was okay changing to three minutes.

Councilmember Leh stated the Council should revisit this and tweak it if needed in 6-12 months. This is an enabling document not ossifying.

Mayor Pro Tem Lipton stated people can provide information prior to the meeting if they have large amounts of information such as a presentation. Detailed presentations could be encouraged to be submitted in advance.

Councilmember Keany worried this could limit the process rather than just codifying it. He felt this draft was not too restrictive. He took pause about calling the question to end conversation before it might be fully discussed. He might support pooling at 9 minutes, but 15 minutes would be too much.

Councilmember Leh reviewed the call the question language, he noted it requires a supermajority needed to actually vote to end debate; providing a check on this process.

Councilmember Maloney stated he supports the pooling language as written and two minutes on second round comments.

Councilmember Stolzmann stated the parliamentary procedure gives everyone a level playing field so they know what to expect. She would like to add which motions are debatable or are not and more clarity on what requires a majority rather than supermajority.

Councilmember Stolzmann suggested a list of general motions commonly made by Council.

Councilmember Leh agreed that could be helpful. Maybe as an appendix, how to make a motion.

Councilmember Stolzmann suggested a section regarding when one needs to be recognized by the Chair, and to add point of appeal in case there is a disagreement on rules. Mayor Muckle noted the appeal is already included.

Attorney Light stated postponing an item indefinitely can't be used for an ongoing legislative body with no end point. We could write what it means to table something or have a motion to take no further action.

Mayor Muckle asked why the Chair could not make a motion until others are offered making the motion. Mayor Pro Tem Lipton stated there is discretion on this and for purposes of meeting efficiency it is helpful to have the chair make motions. Alternatively the Chair can ask for a motion. He supported allowing the Chair to make motions.

Mayor Muckle suggested Council continue this to a later date to allow the Committee to make suggested changes.

Attorney Light noted the changes he had listed included; add language if consent agenda is denied to reflect the items would then be considered individually as part of the regular business agenda. Remove proviso for Chair making motions. Add common motion chart and if debatable or not; and time pooling and second comment.

Councilmember Stolzmann noted section F concerning amendments to motions and felt there didn't need to be limits. Councilmember Leh noted the rationale was a matter of order and simplicity, not to discourage motions and friendly amendments. Councilmember Stolzmann asked if language could say Council "shall strive".

Attorney Light cautioned it could be hard to determine what the meaning of strive is. If the phrase to strive is added Council needs to be cognizant if the issue comes up, and there is an ancillary debate on what "strive" means. The way it gets resolved is the Chair makes a point of order, makes the call, it goes to the full group and there is a right of appeal to do that.

Councilmember Stolzmann reviewed the substitute motion language and the order the voting would proceed; was it clear enough. Members felt it was clear enough. Attorney Light recommended clarifying language about a substitute motion not being passed; then where to return in the process.

Councilmember Stolzmann asked if a question can be called before everyone has had a chance to speak. Attorney Light stated as written it can be. Mayor Muckle supported language adding everyone should have an opportunity to participate in the debate.

Councilmember Stolzmann wanted to add a section on motion to reconsider and who can call such a motion and if a motion to reconsider must be in the same meeting. Attorney Light noted a reconsideration of a quasi-judicial matter is much more limited if legal rights are vested. On standard legislative matters reconsideration can be within the same meeting even if no rights are vested. This would trigger additional notice rules to avoid surprises with legal consequence. If the rules were to talk about reconsideration of quasi-judicial matters, it would need to be deliberative and in detail. Mayor Muckle felt it should be left addressing only legislative matters.

Councilmember Stolzmann would like the last paragraph pared down or eliminated. We can't control the tone of the public or limit their remarks. Councilmember Leh stated if it doesn't include this language, it limits the Chair's ability to exercise discretion in an objective way. There is benefit for the Chair to be able to ask the public to address the question at hand.

Attorney Light noted the public does have the option to speak about items not on the agenda. This section helps confine the context to the matter on the agenda. It's better to have some rules to confine it to the context especially in a quasi-judicial matter.

Councilmember Stolzmann would like that section removed but if not, suggested changing "shall" to "it is customary" or "it is appreciated".

Councilmember Leh thought the standards were important. It gives some boundary and he was convinced by Attorney Light that it is to make sure we have some objective rules on the books to encourage or limit comments. It does give the chair some discretion. He thinks the audible portion is important so we have a full recording of the meeting.

Attorney Light stated we should have a record of the meeting that can be transcribed truly. He noted the language could be "are asked or are requested" rather than shall. Members agreed to that change.

Mayor Muckle moved to continue consideration of Resolution No. 71, Series 2017 to the meeting on February 6, 2018; Mayor Pro Tem Lipton seconded. All in favor.

**ORDINANCE NO. 1752, SERIES 2017 – AN ORDINANCE APPROVING THE
REZONING OF CERTAIN CITY-OWNED PROPERTY FROM VARIOUS
RESIDENTIAL, AGRICULTURE, COMMERCIAL AND INDUSTRIAL ZONE
DISTRICTS TO THE OPEN SPACE ZONE DISTRICT – 1st READING, SET PUBLIC
HEARING 12/19/17**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1752, Series 2017 on first reading, send it out for publication and set the public hearing and second reading for December 19, 2017; Councilmember Stolzmann seconded. Voice vote: All in favor.

CITY ATTORNEY’S REPORT

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF
FUTURE AGENDA ITEMS**

None.

ADJOURN

Members adjourned the meeting at 9:14 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk